

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 22, 2013 in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Alderman	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Sammy Slade
Absent/Excused	Michelle Johnson
Town Manager	David Andrews
Deputy Town Clerk	C. Matthew Efirid
Town Attorney	Mike Brough

**A RESOLUTION REQUESTING DUKE ENERGY TO REPLICATE THE
PROGRESS ENERGY CUSTOMER OWNED LED RATE**

The following resolution was introduced by Alderman Slade and seconded by Alderman Haven-O'Donnell:

**A RESOLUTION REQUESTING DUKE ENERGY TO REPLICATE THE PROGRESS
ENERGY CUSTOMER OWNED LED RATE
Resolution No. 108/2012-13**

WHEREAS, LED (Light Emitting Diode) lights are more energy efficient than traditional lighting technologies and have a longer operating life; and

WHEREAS, they have lower maintenance costs; and

WHEREAS, many local governments are looking to use LED street lights to save taxpayer money; and

WHEREAS, the City of Asheville is in the process of upgrading 7,400 street light fixtures to the energy efficient LED technology resulting in an expected savings of \$450,000 annually and 1,294 tons of avoided carbon which is equal to the emissions from burning 7 rail cars of coal; and

WHEREAS, the City of Asheville's LED replacement strategy required a relationship with Progress Energy Carolinas. Prior to the LED program, the utility billed the City for a flat monthly rate for maintenance, repair and energy consumption for each street light. This rate was regulated by the NC Public Utility Commission.

WHEREAS, The implementation of the LED program was made possible by the implementation of a new rate structure for street lights that allowed the City to own the

LED fixtures installed on the utility owned arm and pole. The rate structure in turn provided a significant reduction in the per-light cost based on the lower level of energy used, as well as the reduced need for maintenance.

WHEREAS, The new rate structure cut the per-light monthly cost by more than 50% for streetlights with LED fixtures. The rate also detailed that the utility would be responsible for the costs of installation of the LED fixtures.

WHEREAS, All cities and towns in North Carolina could greatly benefit from converting streetlights to LED technology.

WHEREAS, Duke Energy does not have a similar rate structure that allows cities and towns the ability from a cost-savings standpoint to retrofit current street light fixtures.

WHEREAS, Representatives from the Town of Carrboro and many other municipalities took part in a “Municipal Street Lighting Workshop” with Duke Energy on April 18, 2012. The purpose of this workshop was to provide information and create dialogue concerning Duke Energy’s tariffs and municipal lighting rates, and the process of street lighting detection, reporting and repair. A similar request to the one made in this resolution was made at that workshop, but was not granted.

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

1. DUKE ENERGY is requested replicate the Progress Energy Customer Owned LED rate and file with the North Carolina Utility Commission in order to make this rate available to all North Carolina Duke Customers.
2. THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM) is requested to represent municipalities in Duke Energy territory in the Rate Case Intervention action, including pursuit of allowing Progress Energy user-owned LED rates for Duke customers.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O’Donnell

Noes: None

Absent or Excused: Michelle Johnson

RESOLUTION TO SUPPORT 2013-2015 FUNDING FOR CLEAN WATER MANAGEMENT TRUST FUND

The following resolution was introduced by Alderman Lavelle and seconded by Alderman Haven-O’Donnell:

WHEREAS, the 1996 General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state; and,

WHEREAS, the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; and

WHEREAS, the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina Communities balance infrastructure needs with environmental protection and to help struggling communities become self-reliant with future infrastructure needs; and,

WHEREAS, infrastructure needs across the state addressing drinking water, wastewater, and stormwater are estimated at &16.6 billion between 2005 and 2030; and

WHEREAS, the Clean Water Management Trust Fund has leveraged more than \$1 billion of private, local and federal funds to support projects; and,

WHEREAS, the General Assembly has reduced funding for the Clean Water Management Trust Fund by 78% since 2010; and,

WHEREAS, limited funding for the Clean Water Management Trust Fund left 88% of 2012 critical local needs unmet; and,

WHEREAS, our economic vitality, health, and ability to sustain ourselves and the natural environment all rely on clean water; and,

WHEREAS, surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and,

WHEREAS, Clean Water Management Trust Fund has provided grants to the purchase of the Adams Tract and for the Bolin Creek Restoration Project, specifically, Baldwin Park to do one or more of the following; to protect, restore or enhance surface water quality for the benefit of the state's agriculture, military, recreation and tourism economies and to protect our natural heritage for the benefit of all North Carolinians; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CARRBORO BOARD OF ALDERMAN AT ITS MEETING ON JANUARY 22, 2013 THAT WE SUPPORT CLEAN WATER MANAGEMENT TRUST FUND AND THAT THE FUND RECEIVE AN INCREASE IN RECURRING FUNDING FROM THE GOVERNOR AND THE NORTH CAROLINA GENERAL ASSEMBLY FOR THE 2013-2015 BIENNIAL BUDGET.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES FROM JANUARY 15, 2013.

IMPACT ON DOWNTOWN TRAFFIC LEVEL OF SERVICE OF CLOSING WEAVER STREET TO AUTOMOBILE TRAFFIC FOR AN EVENT

At its March 13, 2012 meeting, the Board of Aldermen requested information regarding the potential impact of closing Weaver Street to vehicular traffic for an Open Streets Day, or ciclovía-type event on a weekend day.

The following resolution was introduced by Alderman Haven-O'Donnell and seconded by Alderman Gist:

A RESOLUTION RECEIVING A REPORT ON ESTIMATED TRAFFIC LEVEL OF SERVICE IMPACTS IN DOWNTOWN CARRBORO FROM A WEEKEND EVENT
Resolution No. 80/2012-13

WHEREAS, *Vision 2020* Objective 4.0 states, in part: "The safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential"; and,

WHEREAS, the Comprehensive Bicycle Transportation Plan recommends the implementation of programs to increase the popularity of bicycling; and,

WHEREAS, a group including members of the Carrboro Bicycle Coalition and other citizens has submitted a street closure application for an Open Streets Day event in April 2013; and,

WHEREAS, Open Streets Days and *ciclovías* have been held around the U.S. and around the world to encourage active transportation by temporarily allowing bicyclists and pedestrians exclusive enjoyment of urban streets and parkways; and,

WHEREAS, in March 2012, the Board of Aldermen requested information on the traffic impact of opening Weaver St. to pedestrians and bicyclists;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the memorandum on traffic on Main St. when Weaver St. is closed to auto traffic.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson

STP-DA FUNDING AMENDMENT FOR THE HOMESTEAD-CHAPEL HILL HIGH SCHOOL MULTI-USE PATH PROJECT AND MORGAN CREEK GREENWAY

The Board was asked to consider approving a request for an amendment to the table of federal Surface Transportation Program-Direct Apportionment (STP-DA) funding maintained by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) in order to provide additional funds for the Homestead-Chapel Hill High School Multi-use Path project and Morgan Creek Greenway.

The following resolution was introduced by Alderman Lavelle and seconded by Alderman Haven-O'Donnell:

A RESOLUTION APPROVING A REALLOCATION OF FEDERAL SURFACE TRANSPORTATION-DIRECT APPORTIONMENT FUNDING FOR THE HOMESTEAD-CHAPEL HILL HIGH SCHOOL MULTI-USE PATH

Resolution No. 81/2012-13

WHEREAS, on March 1, 2011, the Board of Aldermen approved a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Homestead-Chapel Hill High School Multi-use Path project (NCDOT TIP #U-4726-DE); and,

WHEREAS, detailed design commenced in December 2011 and is currently at the 90 percent plan stage; and,

WHEREAS, the most recent cost estimate provided by Kimley-Horn and Associates, the engineering firm selected to perform preliminary engineering services, suggests the project will require additional funding; and,

WHEREAS, additional Surface Transportation Program-Direct Apportionment (STP-DA) funding may be available through the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO);

NOW, THEREFORE BE IT RESOLVED, by the Carrboro Board of Aldermen that the following funding reallocation is approved.

Request additional 15 percent, allocate portion of Jones Creek Greenway funding to Homestead-CHHS Path to total \$192,184, and allocate the remainder of Jones Creek Greenway funding to the Morgan Creek Greenway project

Summary of funding changes for Homestead-CHHS Path	
Additional 15% STP-DA	\$88,500
Jones Creek Greenway	\$103,684
Total for Homestead-CHHS Path	\$192,184
<i>Remainder of \$214,700 to Morgan Creek Greenway</i>	<i>\$111,016</i>

BE IT FURTHER RESOLVED that Town staff are directed to coordinate with DCHC-MPO to administer the reallocation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson

PRESENTATION OF THE CIP

This item was to present to the Board of Aldermen the annual update of the Capital Improvements Program (CIP) for FY 2013-14 through FY 2018-19.

Arche McAdoo, the Town's Finance Director, made a presentation to the Board

Alderman Slade asked to see the carbon impacts of projects in future CIP documents.

The following resolution was introduced by Alderman Lavelle and seconded by Alderman Haven-O'Donnell:

**A RESOLUTION TO ADOPT THE RECOMMENDED CAPITAL IMPROVEMENTS
PROGRAM FOR FY 2013-14 THROUGH 2018-19**

51/2012-13

WHEREAS, the Town of Carrboro recognizes that a Capital Improvements Program enables staff and the Board of Aldermen to plan for future capital needs and investments necessary to provide quality services to residents; and,

WHEREAS, the Capital Improvements Program is a six year planning tool designed to: 1) help the Town plan for the repair, replacement and acquisition of capital items; 2) assist in financial planning by forecasting capital demands and needs with potential future revenues; 3) ensure better coordination and evaluation of projects; 4) provide necessary lead time for project planning, permitting, design, land acquisition, and construction; and, 5) maintain or improve the Town's credit rating and fiscal health through strong budgetary and financial management planning; and,

WHEREAS, the recommended FY 2013-14 through FY 2018-19 Capital Improvements Program has been updated from last year's; and,

WHEREAS, funds for capital projects may be appropriated in the annual operating budget or through project ordinances adopted by the Board;

THEREFORE BE IT RESOLVED that the Town of Carrboro Board of Aldermen has received the recommended Capital Improvements Program for FY 2013-14 through 2018-19 and adopts it with the following changes:

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson

**RECOMMENDATION FOR SELECTION OF CREATIVE AGENCY TO ASSIST
THE TOWN WITH A BRANDING AND MARKETING STRATEGY**

The purpose of this agenda item was to make a recommendation to the Board of Aldermen for a selection of a creative agency to assist the Town with a branding and marketing strategy.

Annette Stone, the Town's Economic & Community Development Director, presented the agenda item.

Terri Turner, Chairman of Economic Sustainability Commission, commented that the Splinter group rose to the top as the best choice.

The following resolution was introduced by Alderman Haven-O'Donnell and seconded by Alderman Gist:

A RESOLUTION ACCEPTING THE RECOMMENDATIONS
FROM THE ECONOMIC SUSTAINABILITY COMMISSION
IN SELECTION OF A CREATIVE CONSULTANT AGENCY
Resolution No. 76/ 2012-13

WHEREAS, The Town of Carrboro through many of planning efforts, including the Local Living Economy's Task Force and Creating Carrboro's Economic Future recommendations, have made it a goal for Carrboro to brand and market the Town and;

WHEREAS, the Economic Sustainability Commission (ESC) has gone through an extensive RFQ and interview process to solicit interest from qualified creative firms and;

WHEREAS, the ESC has endeavored to recommend to the Board of Aldermen the firm that will be able to most effectively draw out Carrboro's unique story and help the Town communicate that story through branding, messaging and marketing and;

WHEREAS, as a result of this process the ESC recommends The Splinter Group to assist the Town in fulfilling this mission and;

WHEREAS, The Splinter Group is a highly creative, awarding winning, locally-owned business with local knowledge and relationships that makes them the best agency for the Town.

NOW THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen accept the recommendation of the ESC and direct the Town Manager to negotiate a contract with The Splinter Group for creative consultant services and return to the Board with a final contract.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson

WEBSITE REDESIGN KICK-OFF PRESENTATION

The purpose of this agenda item was to make a recommendation to the Board of Aldermen for a selection of a creative agency to assist the Town with branding and marketing strategy.

Andy Vogel, the Town's Information Technology Manager, made the presentation.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN LAVELLE TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

REVIEW OF REGULATIONS RELATING TO FENCES

The purpose of this agenda item was to provide the Board of Aldermen with a review of existing regulations pertaining to the construction of fences and to consider if text amendments to modify these regulations may be warranted.

Tina Moon, the Town's Planning Administrator, made the staff presentation.

Resident Allen Spalt stated that he is not seeking changes to current fence rules, but would like to set rules for future issues.

Alderman Gist commented that the Town needs to provide public education, and encourage suppliers to stock appropriate materials. She stated she was not interested in creating a permit process.

Alderman Slade recommended that staff identify local sources of materials and preferred types of fencing

Alderman Haven-O'Donnell suggested that the Town website be used to give ideas and examples.

The following resolution was introduced by Alderman Haven-O'Donnell and seconded by Alderman Gist:

A RESOLUTION RECEIVING THE REPORT ON FENCING No. 77/2012-13

WHEREAS, in November of 2011 the Town received a request to revisit the regulations related to fencing in residential zoning districts; and,

WHEREAS, Town staff presented a report on the current requirements and their history.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the report on the current requirements related to fencing.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson

DISCUSSION OF LEGISLATIVE ISSUES FOR THE 2013 GENERAL ASSEMBLY

The purpose of this item was to facilitate a discussion of legislative issues.

Mayor Chilton suggested that the Board focus on a few important items because there are not many receptive ears in the General Assembly this year.

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN LAVELLE TO INTRODUCE THE FOLLOWING CHARTER AMENDMENT TO REPEAL THE SECTION OF THE TOWN CHARTER REQUIRING A SPECIAL ELECTION TO FILL A VACANT SEAT:

A BILL TO BE ENTITLED
AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN MAY BE FILLED EITHER THROUGH A SPECIAL ELECTION PROCESS AS AUTHORIZED IN THE EXISTING TOWN CHARTER OR BY APPOINTMENT IN ACCORDANCE WITH GENERAL LAW

The General Assembly of North Carolina enacts:

SECTION 1. Section 2-2 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended by Chapter 270 of the 2007 Session Laws, reads as rewritten:

Section 2-2. Election of Mayor and Aldermen.

(a) The mayor and the aldermen shall be elected by the voters of the entire town. The mayor shall be elected for a term of two years and the aldermen shall be elected for staggered terms of four years.

(b) The municipal elections in the Town of Carrboro shall be nonpartisan and decided by a simple plurality. No primary elections shall be held. The municipal elections shall be conducted pursuant to the applicable provisions of Chapter 163 of the North Carolina General Statutes, particularly Articles 23 and 24 thereof.

(c) In the municipal elections to be held in 1987, and every two years thereafter, the mayor shall be elected for a term of two years. In the 1987 election (and the municipal elections held every four years thereafter), three aldermen shall be elected to fill the seats of the aldermen whose terms expire in 1987 and every four years thereafter). In the municipal

elections to be held in 1989 (and every four years thereafter, three aldermen shall be elected to fill the seats of the aldermen whose terms expire in 1989 (and every four years thereafter).

(d) In the general municipal election the candidate receiving the highest number of votes for mayor shall be elected. The three candidates in such election receiving the highest number of votes for the office of alderman shall be elected for full four-year terms.

(e) Vacancies that occur in the office of mayor shall be filled by appointment of the board of aldermen in accordance with the provisions of G.S. 160A-63.

(f) Vacancies that occur on the board of aldermen (other than vacancies in the office of mayor) may be filled by appointment of the board of aldermen in accordance with the provisions of G.S. 160A-63. Alternatively, whenever a seat on the board of aldermen (other than that of the mayor) becomes vacant at a time when one year or more of the term of office of that seat remains unexpired, the board of aldermen may adopt a resolution pursuant to G.S. 163-287 calling for a special election to fill such vacancy. Such an election shall not be scheduled during the time period beginning on the first Monday in July and ending on the last Monday in August in any calendar year.

(g) If the board of aldermen adopts a resolution calling for a special election to fill one or more vacant seats as provided in subsection (f) of this section, and the resolution sets as the date of such election the same date as a regular municipal election, then the resolution shall provide that the same filing period, filing fee, and absentee voting period that are applicable to the three seats on the board whose terms are expiring shall also apply to the special election for the vacant seat or seats.

(h) Whenever a vacancy on the board of aldermen is to be filled at a general municipal election (for the remaining two years of the unexpired term of the vacant seat), then (i) candidates for the office of alderman shall file and appear on the ballot simply as candidates for election to the board (i.e. they shall not be allowed to file or appear on the ballot as a candidate for a particular seat or for a four year term or for the unexpired term of a vacant seat); and (ii) the three candidates receiving the highest number of votes for office of alderman shall be elected to full four-year terms, and the person receiving the fourth highest number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for the remaining two years of the unexpired term of the vacant seat or seats.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson

The following resolution was introduced by Alderman Gist and seconded by Alderman Haven-O'Donnell:

A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES OF THE CARRBORO
BOARD OF ALDERMEN FOR THE 2013 SESSION OF THE N.C. GENERAL
ASSEMBLY
Resolution No. 66/2012-13

WHEREAS the General Assembly of the State of North Carolina will begin its 2013 session in January of 2013, and

WHEREAS the Carrboro Board of Aldermen wish to express their legislative priorities for this session to the individuals and groups which represent their legislative interests, and

WHEREAS, those individuals include Carrboro's delegation to the General Assembly as well as the NC League of Municipalities and the Triangle J Council of Governments,

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen's legislative priorities for this session, include (not in order of importance):

1. Focus on Transit Pass through monies from the state.
2. Encourage a ban on assault weapons and high capacity magazines with support for President Obama's gun control initiatives.
3. Actively seek to maintain local control of water allocation. The Town should continue support for Asheville's control of their water system.
4. Local control of telecommunications, as it relates to GigU/NCNGN, local control over Greenway designs (so that Greenways are not required to be built to same standards as roads).

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson

SAFE ROUTES TO SCHOOL PROGRAM REPORT AND REQUEST FOR IMPLEMENTATION COMMITTEE GUIDANCE

The Board was asked to receive the 2012 Safe Routes to School report detailing progress and providing an outlook for the future. This agenda item also contains a draft resolution providing guidance on the formation of a Safe Routes to School Implementation Committee.

Jeff Brubaker, the Town’s Transportation Planner, made the presentation.

Alderman Haven-O’Donnell asked that staff provide a sign on Williams St. directing people to Wilson Park Multi-use Path.

Alderman Lavelle asked that staff provide education on Twin Creeks greenway for Morris Grove students

Alderman Slade asked for a map of crossings and actual speeds for SRTS and what the status is of SRTS zones for Carrboro High School.

REPORT ON TREE REPLACEMENT REQUIREMENTS AND OPTIONS

Item delayed to future meeting.

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O’DONNELL TO ADJOURN THE MEETING AT 10:33 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

Mayor

Town Clerk

